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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,353

01/25/2007

John David Hines

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UNILEVER PATENT GROUP  
800 SYLVAN AVENUE  
AG West S. Wing  
ENGLEWOOD CLIFFS, NJ 07632-3100

EXAMINER

VARNUM, RYAN A

ART UNIT

PAPER NUMBER

3751

MAIL DATE

DELIVERY MODE

06/04/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/579,353	<b>Applicant(s)</b> HINES ET AL.	
	<b>Examiner</b> RYAN VARNUM	<b>Art Unit</b> 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/9/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: the claim is improperly presented in a non-sequential manner, by omission of limitations "(a)" through "(c)". Appropriate correction is required.
2. Claim 1 is objected to because of the following informalities: it appears that the claim language "a shear field of 20 s<sup>-1</sup>" should properly be recited as "a shear field of 20 s<sup>-1</sup>"; where the 'negative symbol' should superscripted and placed in front of the superscripted '1' to properly reflect the unit of measurement as a 'reciprocal second'. Appropriate correction is required.
3. Claim 7 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

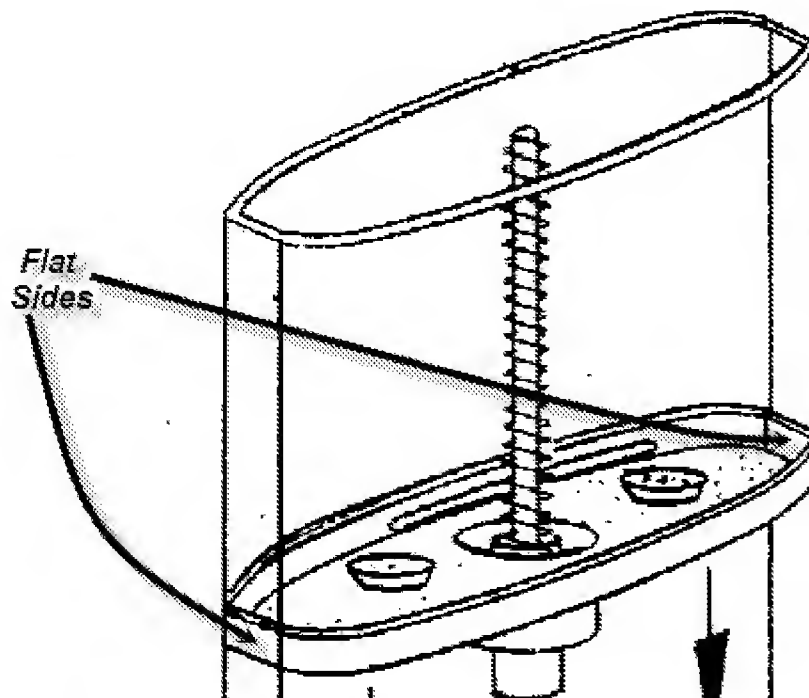
5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harlan (US Patent 5,505,041) in view of Zhen (WIPO Publication WO 97/12027).

6. In re Claims 1 and 7, Harlan discloses a dispensing device comprising: a reservoir 28 ("cavity"; Fig. 10; Column 3, line 31) containing a coating substance 46 ("stick form"; Fig. 11; Column 4, Lines 5-6) one dispensing orifice 27 ("open top"; Fig. 10; Column 3, Line 30) in fluid communication with the reservoir (See Fig. 10) a movable platform 36 (Fig. 10; Column 3, Line 41) movable by means of a screw mechanism 29 ("threaded shaft"; Fig. 10; Column 3, Line 32), whereby rotation of a screw 52 ("means of rotation"; Fig. 10; Column 4, Line 14) advances the movable platform against the stored coating substance thereby dispensing a metered dose of the cleaning fluid from the reservoir to be dispensed via the dispensing orifice (Column 4, Lines 40-43).

7. Although Harlan does not disclose the specific coating substance, attention is directed to Zhen which teaches a shear-thinning fabric cleaning liquid (Abstract) having viscosity profile such that from rest and up to an applied shear stress of 10 Pa the viscosity of the fluid is at least 100 Pa.s (Page 3, Lines 24-25) and under a shear field of  $20 \text{ s}^{-1}$  of at most 5 Pa.s (Page 3, Lines 22-24). Accordingly, it would have been obvious to a person having ordinary skill in the art, at the time the invention was made, to modify the device of Harlan, such that the device carried such a coating substance, as taught by Zhen, for the purpose of providing the applicator device with a heavy duty laundry detergent capable of suspending particles therein (Abstract).

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8. In re Claims 2-6, Harlan further discloses the platform 36 (Fig. 10) comprises a base portion of the reservoir 28 (See Fig. 10) and sliding the platform within the reservoir, progressively reduces the volume of the reservoir thereby forcing the fluid to exit the reservoir (Column 4, Lines 40-43); the reservoir and movable platform are non-circular in cross-section (See Fig. 10), such that, in use, rotation of the reservoir relative to the platform is resisted; the cross section of the reservoir and platform include at least one non-curved section (See Annotated Partial Fig. 10 below); the reservoir is uniform in cross section at least along the length in which the platform moves (See Fig. 10); and the platform is configured for reciprocal generally axial movement internally of the reservoir (Column 2, Lines 5-15).



**Annotated Partial Fig. 10**

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN VARNUM whose telephone number is (571) 270-7853. The examiner can normally be reached on Monday - Friday, 9:00 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. V./  
Examiner, Art Unit 3751

/David J. Walczak/  
Primary Examiner, Art Unit 3751